

DRAFT

WATERSHED ASSESSMENT FOR THE CLEAN WATER ACTION PLAN

*LAC DU FLAMBEAU BAND OF LAKE
SUPERIOR CHIPPEWA INDIANS*

August 1, 1998

Lac du Flambeau Band of Lake Superior Chippewa Indians Watershed Assessment for the Clean Water Action Plan

BASICS

The Lac du Flambeau Indian Reservation is approximately 86,232 acres in size and was established and defined pursuant to the Treaty of 1854 between the United States and the Chippewa Indians of Lake Superior and the Mississippi; dated September 30, 1854 (10 Stat. 1109). The land description is as follows: Beginning at the section corner common to sections 4 & 5, T. 41 N., R. 6 E., & sections 32 & 33, T. 42 N. R. 6 E. 4th P.M.; thence west on the township a distance of twelve miles to the NW corner of section 4, T. 41 N., R. 4 E., thence south one mile; thence east one mile; thence south one mile; thence west one mile; thence south four miles to the SW corner of section 33, T. 41 N., R. 4 E.; thence east on the township line to the NW corner of section 3, T. 40 N., R. 4 E.; thence six miles more or less to the SW corner of section 34, T. 40 N., R. 4 E.; thence east on the township line nine miles to the NW corner of section 6, T. 39 N., R. 6 E.; thence south to the SW corner of said section 6; thence east two miles to the SE corner of section 5, T. 39 N., R. 6 E.; thence north to the SE corner of section 32, T. 40 N., R. 6 E.; thence continuing north a distance of six miles more or less to the township line; thence west one quarter mile more or less to the SE corner of section 32, T. 41 N., R. 6 E.; thence due north to the point of beginning.

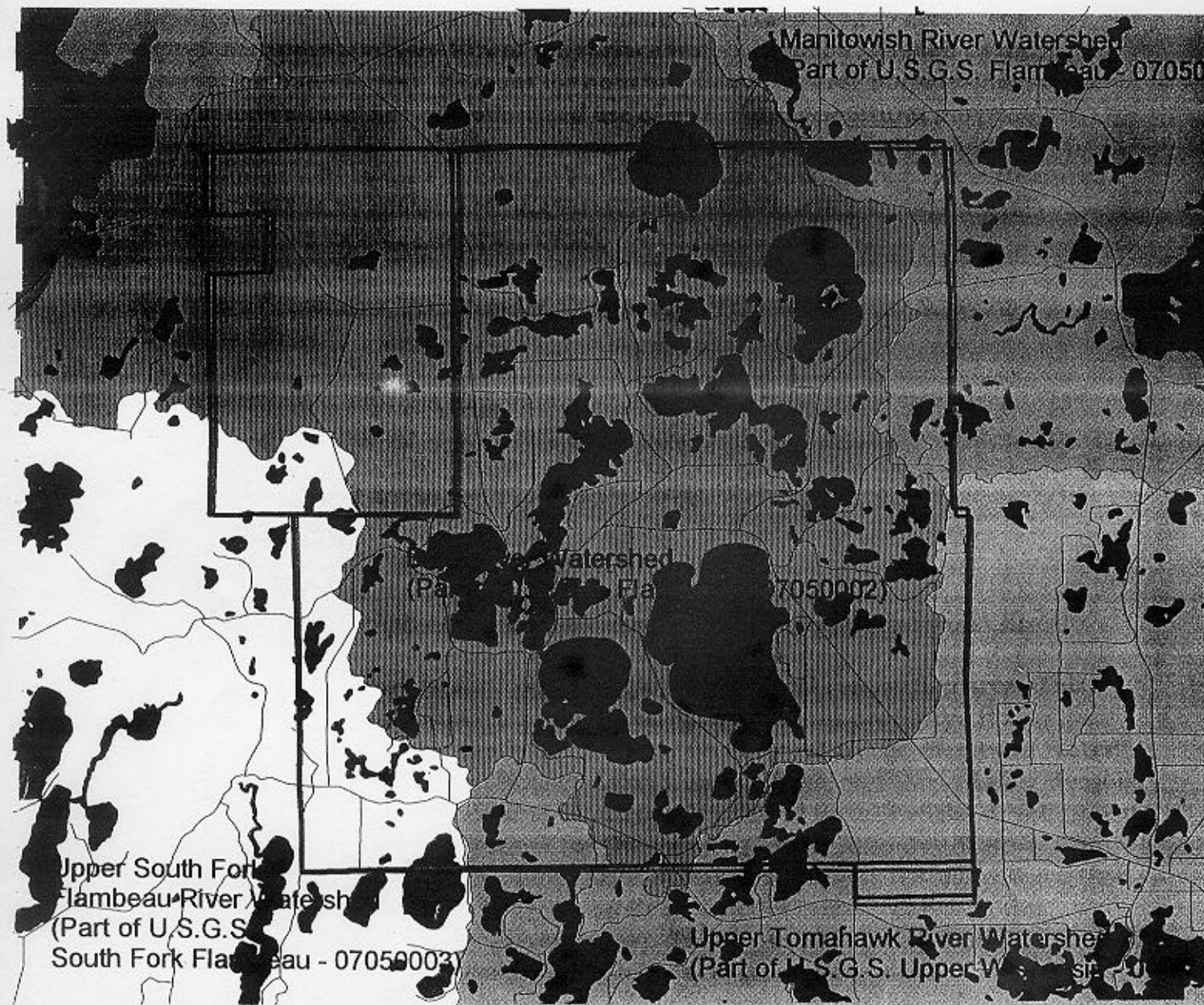
Of the 86,232 total reservation acres 14,528 acres are in *Iron County*, 71,018 acres are in *Vilas County*, and 686 acres are in *Oneida County*. The total resource areas are as follows: Wetlands - 24,000 acres (27.8%), Lakes & Rivers - 19,450 (22.6%), Forested Uplands- 39,782 (46.1%), and Other - 3,000 (3.5%). One can see from this information that the area is very rich with water resources as over 50% of the reservation is saturated with water.

THE WATERSHEDS

There are four major watersheds on the Lac du Flambeau Reservation that are used for natural resource management purposes. They are: *Upper South Fork Flambeau River*, *Manitowish River*, *Upper Tomahawk River*, and *Bear River*. Encompassing these four watersheds are three U.S.G.S. 8-digit watersheds: *South Fork Flambeau* (07050003), *Flambeau* (07050002), and *Upper Wisconsin* (07070001). Figure 1 illustrates both the natural resource management watersheds and the U.S.G.S. 8-digit watersheds. For the purposes of this watershed assessment, the watersheds will be assessed in terms of the corresponding U.S.G.S. 8-digit code. However, Lac du Flambeau management watershed names will also be noted.

Lac du Flambeau Reservation Watersheds

Figure 1. Map of Reservation with watershed overlay.



Lac du Flambeau Indian Reservation
Outer Red Line Indicates Reservation Boundary
Inner Red Lines Indicate County Boundaries Within Reservation

Flambeau 07050002 (LDF Management Watersheds: Manitowish River & Bear River)

This watershed encompasses the majority of the reservation area (Approximately 80%). The watershed contains large amounts of undeveloped tribal land as well as large amounts of highly developed lakefront property. It also contains several waterbodies which currently do not meet Lac du Flambeau Water Quality Standards. These are: Little Trout Lake, Great Corn Lake, Little Corn Lake, Ike Walton Lake, Fence Lake, Big Crawling Lake, Grey Lake, and Trout River. The total surface area of these non-compliance waters in the *Flambeau Watershed* is 7,589 acres. This represents approximately 40% of the surface waters in this watershed (within reservation boundaries). Reasons for noncompliance include non-attainment of designated cultural use, unauthorized use of water for agricultural purposes, excessive nutrient levels, lack of necessary NPDES permits and unauthorized development within the established buffer zones for Outstanding Tribal Resource Waters. **THIS WATERSHED IS CLASSIFIED AS A CATEGORY I WATERSHED WITHIN RESERVATION BOUNDARIES.**

South Fork Flambeau 07050003 (LDF Management Watershed: Upper South Fork Flambeau River)

This watershed comprises approximately 10% of the total reservation area. This watershed also contains large amounts of undeveloped tribal land and also has considerable lakefront development. Currently, there are no waterbodies within this watershed that fail to meet Lac du Flambeau Water Quality Standards. **THIS WATERSHED IS CLASSIFIED AS A CATEGORY II WATERSHED WITHIN RESERVATION BOUNDARIES.**

Upper Wisconsin 07070001 (LDF Management Watershed: Upper Tomahawk River)

This watershed comprises approximately 10% of the total reservation area. This watershed has large amounts of highly developed lakefront property. It also contains several waterbodies which currently do not meet Lac du Flambeau Water Quality Standards. These are: Haskell Lake, Gunlock Lake, and David Lake. Reasons for noncompliance include excessive nutrient levels and unauthorized development within the established buffer zones for Outstanding Tribal Resource Waters. The total surface area of these non-compliance waters in the *Upper Wisconsin Watershed* is 389 acres. This represents approximately 33% of the surface waters in this watershed (within reservation boundaries). **THIS WATERSHED IS CLASSIFIED AS A CATEGORY I WATERSHED WITHIN RESERVATION BOUNDARIES.**

SUMMARY

The importance of water quality cannot be overstated for the general health and well being of the Lac du Flambeau Band. Subsistence cultures rely heavily upon hunting, fishing, and gathering to supply the necessary ingredients for life. As it is clearly illustrated above, 90% of reservation watershed area is in need of water quality restoration under the guidelines set forth in the *Framework for Unified Watershed Assessment, Restoration Priorities, and Restoration Action Strategies*. It is true that the reservation portion of the three U.S.G.S. 8-digit watersheds is small in comparison to the total watershed area, however, it is far from insignificant for the Lac du Flambeau Band, since this is the area which most tribal members live.

In addition to on-reservation concerns, it is important to note that the Lac du Flambeau Band also has the Treaty-Supported Right to hunt, fish, and gather within the northern one-third of the State of Wisconsin and portions of the State of Minnesota and Michigan. In meeting with the State of Wisconsin on the issue of watershed assessment, it became clear that the state was not planning for standards necessary to support a subsistence lifestyle. Since the State of Wisconsin does not recognize the Band's authority to adopt water quality standards, and does not, as the sole natural resource managers of the ceded territory, adequately protect for the Band's right to hunt, fish and gather, meaningful cooperation in this process was not possible.



LAC DU FLAMBEAU BAND

OF LAKE SUPERIOR

CHIPPEWA INDIANS

TRIBAL NATURAL RESOURCE DEPARTMENT

P.O. BOX 67

LAC DU FLAMBEAU, WISCONSIN 54538

(715) 588-3303

FAX # (715) 588-3207

Fish Culture - Fisheries Management - Wildlife Management - Water Resources - Environmental Protection - Conservation Law Enforcement - Parks & Recreation

February 8, 1999

Unified Watershed Assessment Working Group
U.S. Environmental Protection Agency
Mail Code 4503F, 401 M Street S.W.
Washington D.C., 20460

Dear Working Group:

Please accept the document entitled *Lac du Flambeau Band of Lake Superior Chippewa Indians Watershed Assessment for the Clean Water Action Plan* as the Final Tribal Watershed Assessment.

The Band has submitted this document through the Bureau of Indian Affairs (Minneapolis Area Office) as well as to the State of Wisconsin. Nothing has changed since the time of these submittals. No further contact between the State and Band has occurred concerning this issue.

If you have any questions, please direct them to Kurt R. Moser, Tribal Water Resource Specialist at (715) 588-3303, ext. 316.

Sincerely,

Larry J. Wawronowicz
Deputy Administrator of Natural Resources
Lac du Flambeau Band of Lake Superior Chippewa Indians

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